



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,820	10/11/2006	Mark James Singleton	4140-0114PUS1	7209
2292 7590 06/09/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER BUCKLE JR, JAMES J				
ART UNIT 3633		PAPER NUMBER		
NOTIFICATION DATE 06/09/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/570,820

Applicant(s)

SINGLETON, MARK JAMES

Examiner

JAMES J. BUCKLE JR

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 13-20 is/are rejected.
7) ☒ Claim(s) 20 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 March 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final Office action in response to communications received on 3/02/2010. Claims 1-12 have been canceled. Claims 13-20 have been added. Currently, claims 13-20 are pending and examined below.

Drawings

2. The drawings were received on 3/2/2010. These drawings are acceptable.

Response to Amendment

3. Applicant's amendments are sufficient to overcome the Drawing objections, Claim objections and U.S.C. 112 second paragraph rejections set forth in the office action dated 10/2/2009.

Claim Objections

4. Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 20 is further limiting an element that was not positively claimed. Thus, it fails to further limit.
5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 19 recites the leg formations. The leg formations are part of the structures in the preamble of claim 13. Examiner believes that claim 19 should be the INNER leg formations form locking flanges which terminate in said locking ribs. The applicant does not appear to be consistent. Claim 13 claims the structures have leg formations. Claim 14 claims that the wall strut has INNER leg formations. Claim 15 claims that the inner leg formations have locking ribs. Then, in claim 19, the applicant claims that the leg formations have locking ribs. There does not appear to be any locking ribs on the leg formations of the structures 14. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Herbst et al. (U.S. Patent 7,562, 504).

10. Regarding claim 13, Herbst et al. discloses a structural coupling device (24, Fig. 2-5) for coupling together structures provided with opposing, coupling leg formations provided at their end portions, the device comprising a wall strut (26) constructed to define coupling slots (38) adapted to accommodate the coupling leg formations; a separate channel section (28) containing leg portions (46) which extend into the coupling slots for engagement with the coupling leg formations; and a snap fitting

element (30) adapted to engage the wall strut and the channel section, whereby the coupling leg formations are coupled together. The Examiner considers the snap fitting element to be capable of engaging the wall strut indirectly.

11. Regarding claim 14, Herbst et al. discloses the wall strut including outer side walls and inner leg wall formations (34, 36) which define the coupling slots on opposite sides of the wall strut.

12. Regarding claim 15, Herbst et al. discloses the inner leg wall formations to include locking ribs (44), the channel section includes a projecting locking formation (76), and the snap fitting element is adapted to engage the locking ribs with the projecting locking formation. The Examiner considers the snap fitting element to be capable of engaging the wall strut indirectly.

13. Regarding claim 16, Herbst et al. discloses the projecting locking formation being on an inside surface of a channel base member which connects the leg portions.

14. Regarding claim 17, Herbst et al. discloses the projecting locking formation includes an embossment (68, 80) which provides channel recesses in the channel base member.

15. Regarding claim 18, Herbst et al. discloses the leg portions (46) of the channel section extend into the coupling slots, the channel base member and the coupled structures lie in the same plane. Although not shown, depending on the thickness of the panel and legs, the channel base is capable of lying in the same plane as the coupled structures. Since the coupled structures are not positively recited and the channel base is capable, the claimed limitations have been met.

16. Regarding claim 19, Herbst et al. discloses the leg formations form locking flanges (44 approximate 57) which terminate in the locking ribs, and the snap fitting element is provided with "flexible" barbs (100) to provide snap fit engagement between the locking ribs and the channel recesses. The Examiner considers that most materials including the group as listed are flexible to a degree.

17. Regarding claim 20, Herbst et al. discloses the end portions of the leg formations include recesses (approximate 62 Fig. 5) for accommodating sealing gaskets.

Response to Arguments

18. Applicant's arguments with respect to claims 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James J Buckle Jr
Examiner
Art Unit 3633

Application/Control Number: 10/570,820
Art Unit: 3633

Page 7

/James J Buckle Jr/
Examiner, Art Unit 3633

/Brian E. Glessner/
Primary Examiner, Art Unit 3633